



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,546	08/08/2000	Nimrod Megiddo	AM9-99-0239	5606
26381	7590	06/27/2005	EXAMINER	
LACASSE & ASSOCIATES, LLC 1725 DUKE STREET SUITE 650 ALEXANDRIA, VA 22314			BACKER, FIRMIN	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/634,546	<b>Applicant(s)</b> MEGIDDO, NIMROD	
	<b>Examiner</b> Firmin Backer	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-16,21 and 23-28 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1,3-16,21 and 23-28 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

P

Art Unit: 3621

***Response to Request for Reconsideration***

1. This is in response to a request for reconsideration file January 18<sup>th</sup>, 2005. Claims 1, 3-16, 21, 23-28 are being reconsidered in this action.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3-16, 21, 23-28 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-16, 21, 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Sandhu et al (U.S PG Pub No 2003/0033212).
5. As per claims 1, Sandhu et al teach a system for enhancing price discovery of products available in electronic commerce, wherein the system comprises one or more automated surveyors for surveying a plurality posted prices, bid prices, posted quotes, quoted prices, and

Art Unit: 3621

auctions an anonymous buyer profile, the anonymous buyer profile used multiple times to develop historical usage therefore, the historical usage representing a sophisticated buyer and included within at least one of the one or more automated surveyors, the sophisticated buyer used as the buyer by the automated surveyors, and wherein use of the anonymous buyer profile increases the probability of discovering the best prices in an electronic commerce environment which includes electronic price discrimination (*see paragraphs 0207, 0208, 0244, 1734-1740*).

6. As per claims 3, Sandhu et al teach a system wherein the developed anonymous buyer profile is used to make actual purchases for a buyer using the system without disclosing the identity of the buyer (*see paragraphs 0207, 0208, 0244, 1734-1740*).

7. As per claims 4, Sandhu et al teach a system wherein when the system makes actual purchases for a buyer it further includes receiving purchased at least one item at a site owned by system operator or a third party, and shipping at least item to the buyer (*see paragraphs 0207, 0208, 0244, 1734-1740*).

8. As per claims 5, Sandhu et al teach a system wherein the surveying posted prices further comprises collecting information about wholesale prices generating reference points, and assessing from the reference points whether a posted price is reasonable (*see paragraphs 0207, 0208, 0244, 1734-1740*).

Art Unit: 3621

9. As per claims 6, Sandhu et al teach a system wherein the surveying posted quotes further comprises scanning continuously commercial sites on a network extracting posted quotes from the sites, maintaining a database of posted quotes, and pointing a buyer to vendors that post a best price based on the posted quotes for an item the buyer is interested in (*see paragraphs 0207, 0208, 0244, 1734-1740*).

10. As per claims 7, Sandhu et al teach a system wherein the included within at least one of the one or more automated surveyors comprises choosing one of a plurality of available fictitious names requesting price quotes on behalf of the chosen fictitious names storing all received quotes, and maintaining statistics about the store received quotes for reference to future buyers using the system (*see paragraphs 0207, 0208, 0244, 1734-1740*).

11. As per claims 8, Sandhu et al teach a system wherein the system further comprises promoting competition among sellers by generating messages to inform sellers of lower prices quoted by their competitors advising the sellers to consider lowering prices, and maintaining a website, for public viewing, regarding ratings of sellers (*see paragraphs 0207, 0208, 0244, 1734-1740*).

12. As per claims 9, Sandhu et al teach a system wherein potential buyers receive messages of prices discovered by any of: e-mail, regular mail, or faxes (*see paragraphs 0207, 0208, 0244, 1734-1740*).

Art Unit: 3621

13. As per claims 10, Sandhu et al teach a system wherein the method of uncovering price structures further comprises probing a commercial site with varying parameters associated with the price of at least one product uncovering the underlying fee structure and how it varies with respect to different parameters, and suggesting to a potential buyer what parameters can be changed to save money (*see paragraphs 0207, 0208, 0244, 1734-1740*).

14. As per claims 11, Sandhu et al teach a system wherein the network includes any of the: Internet, WWW, wireless web, LAN or WAN (*see fig 1*).

15. As per claims 12, Sandhu et al teach a method for enhancing buyers performance in electronic commerce, wherein the method comprises: electronically presenting information to sellers located across a network about sophisticated buyers who are not willing to pay more than a minimum price, the sophisticated buyers developed by historical use of anonymous buyer profiles using the sophisticated buyers to electronically gather information about prices on a network, and indicating to sellers when they are competitive and influencing them to lower prices (*see paragraphs 0207, 0208, 0244, 1734-1740*).

16. As per claims 13, Sandhu et al teach a method wherein the influencing them to lower prices comprises any generating messages to inform sellers of lower prices quoted by their competitors advising the sellers to consider lowering prices, and maintaining a website, for public viewing, regarding ratings of sellers (*see paragraphs 0207, 0208, 0244, 1734-1740*).

Art Unit: 3621

17. As per claims 14, Sandhu et al teach a method wherein the sophisticated buyers are used to anonymously make actual purchases for a buyer using the method (*see paragraphs 0207, 0208, 0244, 1734-1740*).

18. As per claims 15, Sandhu et al teach a method wherein when the method anonymously makes actual purchases for a buyer it further includes receiving purchased items at a site owned by system operator or a third party and shipping item to the buyer (*see paragraphs 0207, 0208, 0244, 1734-1740*).

19. As per claims 16, Sandhu et al teach a method wherein the network includes one of the: Internet, WWW, wireless web, LAN or WAN (*see fig 1*).

20. As per claims 21, Sandhu et al teach a method for enhancing buyers performance in electronic commerce comprising surveying quoted prices located across a network, comprising the generating fictitious user names; requesting price quotes using the fictitious names building reputation of the fictitious names as sophisticated buyer continuously scanning commercial sites on a network using the sophisticated buyers to retrieve product price information including at least quotes generating statistical distribution of the quotes, and computing a quote a known buyer receives to what has been observed in the system by the sophisticated buyer (*see paragraphs 0207, 0208, 0244, 1734-1740*).

Art Unit: 3621

21. As per claims 23, Sandhu et al teach a method wherein the known buyer's anonymity is protected comprises providing buyer the option of purchasing item for him purchasing the item using one of many the available fictitious names receiving item at a site owned by system operator, and shipping item to buyer (*see paragraphs 0207, 0208, 0244, 1734-1740*).

22. As per claims 24, Sandhu et al teach a method further comprising promoting competition among sellers comprising generating messages to inform sellers of lower prices quoted by their competitors advising the sellers to consider lowering prices, and maintaining a website, for public viewing, regarding ratings of sellers (*see paragraphs 0207, 0208, 0244, 1734-1740*).

23. As per claims 25, Sandhu et al teach a method wherein the messages generated include one of the following: e-mail, regular mail, or faxes (*see paragraphs 0207, 0208, 0244, 1734-1740*).

24. As per claims 26, Sandhu et al teach a method further comprising a method of uncovering price structures by probing a commercial site with varying parameters associated with the price of at least one product uncovering the underlying fee structure and how it varies with respect to different parameters, and suggesting to the buyer what parameters can be changed to save money (*see paragraphs 0207, 0208, 0244, 1734-1740*).

25. As per claims 28, Sandhu et al teach an article of manufacturing comprising a computer user medium having computer readable program code embodied therein which enhances buyers



Art Unit: 3621

performance in electronic commerce, wherein code for the automated surveyors using the one or more anonymous buyer profiles further comprises computer code for concealing a buyers true identity picking one of many available fictitious names, requesting price quotes on behalf of a buyer without revealing the buyer's true identity, storing all received quotes, and maintaining statistics about the stored received quotes for reference of future buyers (*see paragraphs 0207, 0208, 0244, 1734-1740*).

### ***Conclusion***

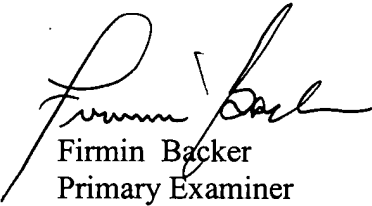
26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (571) 272-6703. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer  
Primary Examiner  
Art Unit 3621

June 22, 2005